



April 20, 2004

Robert Warther  
Department of Energy  
Ohio Field Office  
175 Tri-County Parkway  
Springdale, OH 45246-3222

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Dear Mr. Warther:

We are writing to request a detailed update on the negotiations to settle the Natural Resources Damages (NRD) claim at Fernald (Case No. C-1-86-0217), brought against DOE by the State of Ohio. Specifically, we would like to know how community values are being incorporated into the negotiation process, and the potential level of contribution that the settlement will make to long-term stewardship activities at the site.

In May of 2003, the Fernald Citizens Advisory Board (FCAB) hosted a roundtable discussion of the Fernald site's Natural Resource Trustees. From this discussion, the FCAB identified major unresolved issues, which were outlined in a letter sent to the Trustees on August 18, 2003 (see attached). In this letter, we also advocate that five principles guide the NRD settlement negotiations. These principles are all focused on the role the NRD settlement could play in the transformation of the Fernald site from a longstanding liability to an important community resource.

The settlement of the NRD claim will have a major impact on the Fernald community, and will serve as a significant factor in determining future conditions of the site. In recent years, local DOE representatives have repeatedly cited the NRD settlement as a potential source of authority and funding for achieving many of the community's goals in relation to the future of the Fernald site. Over the past decade, the community has developed a vision for the future of the site as an important regional destination, dedicated to educating the public about the history of the site and its environmental conditions. The FCAB believes that ongoing community outreach and access to information are critical to the long-term protection of the remedy and acceptance of the site, on which vast quantities of hazardous materials will remain in perpetuity.

Please provide a detailed response to the FCAB by May 31, 2004, which explains how DOE is integrating community values into the NRD settlement negotiations. In this response, please also provide us with the DOE perspective on each of the five principles listed in our August 18 letter to the NRD Trustees.

Sincerely,

Jim Bierer  
Chair

Lisa Crawford  
Vice-Chair